UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/689,931	10/20/2003	Paul Sung	15436.98.1	4863

22913	7590	11/29/2005

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EXAMINER
CHERRY, STEPHEN J

ART UNIT	PAPER NUMBER
2863	

DATE MAILED: 11/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

AK

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _25 August 2005_.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-35_ is/are pending in the application.

    4a) Of the above claim(s) _1-27_ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _28-35_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____ .

DETAILED ACTION

Election/Restrictions

Applicant's election without traverse of invention III, claims 28-35, in the reply

filed on 2-1-2005 is acknowledged.

Claim Objections

Claims 28-34 are objected to because of the following informalities:

1. Claim 28 recites, "the database", which lacks antecedent basis in the claim.

Appropriate correction is required.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 28-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over

U.S. Patent 6,571,191 to York et al.

Claim 28 recites, as disclosed by York:

> 28. A method of generating calibration data and subsequently detecting
>
> and correcting calibration errors within a distributed network, comprising:

an act of performing a testing or calibration procedure on a plurality of components such that calibration data is generated from the procedure at each of a plurality of devices ('191, fig. 6, 82);

an act of storing, at each of calibrating device, the calibration data generated at each calibrating device ('191, fig. 1, ref. 18, "mem" stores calibration data;

receiving the calibration data from each of the plurality of calibrating devices ('191, fig. 6, 82);

an act of storing the calibration data received from the plurality of calibrating devices in the database such that the calibration data is organized in a standard format that can be compared with other calibration data ('191, col. 6, line 60); a step for identifying errors in the calibration data ('191, fig. 6, 84); and an act of informing operator of the relevant errors detected in the calibration data in a time frame such that the operator can re-perform the testing and calibration procedures on the component in a proper manner ('191, col. 10, line 23).

Claim 29 recites, as disclosed by York:

29. The method of claim 28, further including an act of temporarily storing the calibration data in a file in its original format ('191, col. 9, line 44).

Claim 30 recites, as disclosed by York:

30. The method of claim 28, wherein the act of performing a testing or calibration procedure on a plurality of components is performed by each

calibration device ('191, ref. 17, in each vehicle of fleet) comprising: a

hardware device that performs the testing or calibration procedure ('191,

fig. 1, 17); a software module that interfaces with the hardware device to

generate the calibration data relating to the response of the component to

the testing or calibration procedure performed by the hardware device

('191, fig, 1, software of 17); a file configured to receive the calibration

data from the software module ('191, fig. 1, 18); and a data filter that

transfers the contents of the file to an external storage source in response

to predetermined criteria ('191, col. 4, line 58).

Claim 31 recites, as disclosed by York:

31. The method of claim 28, wherein the act of storing calibration data

recieved from the plurality of calibrating devices in the database in a

standard format is performed by a data filter ('191, fig. 6).

Claim 32 recites, as disclosed by York:

32. The method of claim 28, wherein the step for identifying errors in the

calibration data further includes: an act of searching the calibration data

for components which have skipped a required testing or calibration

procedure; and an act of comparing the calibration data for each of the

components to determine if a particular component is improperly

calibrated ('191, col. 6, line 38).

Claim 33 recites, as disclosed by York:

33. The method of claim 28, wherein the act of informing operators is performed by displaying an alphanumeric message to the operator, including instructions that should be performed to correct the error ('191, col. 10, line 23).

Claim 34 recites, as disclosed by York:

34. The method of claim 28, wherein the act of informing operators is performed in real time to minimize the amount of repeated mistakes made by the operator and the potential loss of components which are improperly characterized as defective ('191, col. 10, line 23).

Although York '191 discloses "a fleet manager who owns and operates a fleet of vehicles" ('191, col. 4, line 45), and an error message is issued to the fleet manager to alert the manager to a problem, York does not explicitly recite informing a plurality of operators concerning detected errors.

Kellogg discloses common practice of notifying a mechanic of a problem with an engine ('424, col. 1, line 48), thereby making a second operator aware of the error.

Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the invention of York with the practice of informing a mechanic of problems to facilitate correction of the problems ('424, col. 1, line 48).

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claim 35 is rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent

6,571,191 to York et al.

Claim 35 recites, as disclosed by York:

35. A method of generating calibration data and subsequently detecting

and correcting calibration errors within a distributed network, comprising:

an act of performing, at a plurality of calibration devices ('191, ref. 17, in

each vehicle of fleet), a testing and calibration procedure on a plurality of

components such that calibration data is generated from the procedure at

each calibration device ('191, fig. 6, 82, and col. 4, line 58); an act of

storing the calibration data received from each of the plurality of calibration

devices in a database such that the calibration data is organized in a

standard format that can be compared with other calibration data ('191,

col. 6, line 60); an act of searching the calibration data for components

which have skipped a required testing or calibration procedure; an act of

comparing the calibration data for each of the components to determine if

a particular component is improperly calibrated ('191, col. 6, line 38); and

an act of informing an operator associated with a particular calibration

device of the relevant errors detected in the calibration data in a time

frame such that the operator can re-perform the testing or calibration

procedure on the component in the proper manner at the particular

calibration device ('191, col. 10, line 23).

Response to Arguments

Applicant's arguments, dated 8-25-2005, with respect to claims 28-34 have been

considered but are moot in view of the new ground(s) of rejection.

Regarding applicants arguments, dated 8-25-2005, concerning claim 35,

applicant states that York does not disclose storing calibration data, however this

function is performed by memory 18 depicted in figure 1 of York '191. Applicant further

states that York does not disclose testing a plurality of components; however, York

explicitly discloses "storing a database of information concerning the engines", at '191,

col. 4, line 50.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in

this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37

CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Stephen J. Cherry whose telephone number is (571)

272-2272. The examiner can normally be reached on M-F 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, John Barlow can be reached on (571) 272-2269. The fax phone number for

the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

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you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

SJC

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